

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

MICHAEL KRAUSE, individually and on behalf
of his marital community,

Plaintiff,

v.

KAYCAN LIMITED, a Delaware corporation;
PETER TOTERA, individually,

Defendants.

NO. C08-1249 RSM

STIPULATED PROTECTIVE ORDER

The parties, by and through their counsel of record, hereby stipulate and agree to the entry of the Protective Order below, and request that the Court enter this Order.

Dated this ____ day of January, 2009.

GORDON, THOMAS, HONEYWELL,
MALANCA, PETERSON & DAHEIM LLP

SEBRIS BUSTO JAMES

By _____
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Attorneys for Plaintiff

By _____
Jillian Barron, WSBA No. 17964
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Attorneys for Defendants

BASED UPON THE FOREGOING stipulation of the parties, IT IS HEREBY
ORDERED as follows:

1 1. Any party to the action may designate as *confidential* any information,
2 including documents, it produces in response to formal or informal discovery requests or an
3 order of the Court, which in good faith the party deems confidential. For purposes of this
4 Order, *confidential* information may include, but is not limited to, the following subjects:
5 treatment by professional health care providers; employment-related or other personal
6 information of individuals; non-public information concerning defendants' business and
7 customers; and any other financial, proprietary, or other sensitive information the disclosure
8 or use of which for purposes other than this action could reasonably be anticipated to cause
9 injury to the party producing the information or to an individual or entity to whom the party
10 owes a duty to protect the information. *Confidential* information shall also include all
11 documents and things, including but not limited to tapes, disks, deposition transcripts, expert
12 reports, and motions, that contain or attach *confidential* information, extracts therefrom, or
13 summaries thereof.

14 2. A party may designate any information it produces as *confidential* by marking
15 it *confidential* prior to production. If any information is initially undesignated and a party
16 later determines the information to be *confidential*, it shall notify the other parties' counsel in
17 writing of the new *confidential* designation. The new designation will be effective upon
18 receipt of such notification.

19 3. Plaintiff's medical or psychological treatment or evaluation records that are
20 obtained by defendants or defense counsel in this case from any source through production,
21 subpoena, or stipulation shall be deemed to be *confidential* pursuant to the terms of this Order,
22 without the need for plaintiff to provide written notice of the *confidential* status of such
23 documents.

24 4. If, in the course of this proceeding, depositions are conducted that involve
25 *confidential* information, each party will have until fifteen (15) days after receipt of the
26 deposition transcript within which to inform the other parties of the portions of the transcript

1 (by specific page and line reference) to be designated as *confidential*. Prior to such
2 designation, or expiration of the fifteen (15) day period, the entire deposition transcript shall
3 be deemed *confidential*.

4 5. All *confidential* information shall be used solely and exclusively for the
5 prosecution and defense of this action by the parties, their legal counsel and staff, witnesses
6 as necessary, court reporters, consultants, consulting or testifying experts, liability insurance
7 agents or adjusters, or as otherwise required by law or Court order, and such *confidential*
8 information may not be otherwise copied, disseminated, published, communicated,
9 distributed, or used in any way except as provided for herein. All of the above-listed persons
10 who are authorized under this Order to review, use, or possess any such *confidential*
11 information shall be provided with a copy of this Order and advised of its terms. Nothing in
12 this Order shall limit a party's use of its own information, including documents, that it
13 possessed prior to or independently of this case, or shall prevent any party from disclosing its
14 own information that it possessed prior to or independently of this case to any person (this
15 proviso does not affect legal or other limitations, arising independently of this action, that
16 may restrict a party's right to use information it possesses).

17 6. Any party may petition the Court for relief from the terms of this Order as to
18 particular information.

19 7. If a party desires to file with the Court any document or tangible item that
20 contains *confidential* information, and the parties do not agree to the open filing of the
21 information, then the party seeking to file the *confidential* information shall prepare a motion
22 or a stipulation and order to file under seal, setting forth the grounds that the document should
23 be filed under seal in accordance with applicable law. If the party seeking to file the
24 *confidential* information does not agree that the information needs to be filed under seal,
25 however, it shall notify the other parties at least five (5) business days in advance of the filing
26 to allow time for the other parties to prepare a motion requesting the documents to be filed

1 under seal. If a party files such a motion or stipulation, the party seeking to file the
2 *confidential* information shall not file any documents containing *confidential* information
3 until the Court rules on the motion or stipulation to seal. All parties agree to stipulate to any
4 reasonable extension of otherwise applicable filing deadlines in order to provide sufficient
5 time to obtain the Court's ruling on a motion or stipulation to seal and to file information in
6 accordance with the Court's ruling. If the Court denies the motion or stipulation to file under
7 seal, the information may be openly filed. If the Court grants the motion or stipulation, the
8 *confidential* information shall be filed under seal in accordance with applicable Court rules.

9 8. The provisions of this Order shall not terminate at the conclusion of this case.
10 Upon final conclusion of the case, including any appeals, all *confidential* information that
11 would not be in the possession of a party other than through this litigation shall be returned to
12 the producing party at its written request and at its expense. Alternatively, the producing
13 party may request destruction of the *confidential* information with certification from counsel
14 that such records have been destroyed. Notwithstanding the above, counsel for the parties
15 may retain *confidential* information of other parties as part of their case files solely for
16 purposes of maintaining a record of the case.

17 9. The Court shall retain jurisdiction to make any amendments, modifications, or
18 additions to this Order as it deems appropriate. The Court shall also retain jurisdiction after
19 the conclusion of this action for the purpose of enforcing this Order.

20 DONE IN OPEN COURT this 5th day of February, 2009.

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24 RICARDO S. MARTINEZ
25 UNITED STATES DISTRICT JUDGE
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1
2 Presented by:

3 GORDON, THOMAS, HONEYWELL,
4 MALANCA, PETERSON & DAHEIM LLP
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